

REMARKS

Claims 1-20 are pending in the present application. The examiner has rejected claims 1-6, 10-15, 19 and 20. Claims 1-3, 12 and 19 are amended. Claims 1 and 19 are independent claims.

Objections

The Examiner has objected to claims 1 and 19. Claim 1 is objected to for being unclear, and claims 1 and 19 are objected to for lacking antecedent basis for the phrase “the unoperated other contactor.” Applicants have amended independent claims 1 and 19 to help clarify the claims and to better assist in understanding the claim language. All such amendments are non-narrowing amendments which have not been made for any reason related to patentability. Therefore, for these reasons, claims 1 and 19 are now believed to be in the proper form, and withdrawal of this objection is respectfully requested.

35 U.S.C. § 102(b) Rejections

Claims 1-6 and 10-15 remain rejected under 35 U.S.C. § 102(b) as being anticipated by Moriya (U.S. Patent No. 5,646,382, hereinafter “Moriya”). This rejection is respectfully traversed.

The Applicant submits that the Examiner has improperly relied upon Johnston et al. (U.S. Patent No. 4,539,860) in making a 35 U.S.C. § 102(b) rejection as being anticipated by Moriya.

As the Examiner knows, it is improper to make a rejection under 35 U.S.C. § 102(b) when relying upon multiple references. For at least these reasons, claim 1 and subsequent dependent claims have not been properly rejected and/or anticipated by the Examiner. Applicant submits that claim 1 and those claims dependent thereon, are allowable over the prior art.

Withdrawal of the rejection is kindly requested. Further, if a new combination rejection is issued, such a rejection should not be made final as it was not necessitated by Applicant's amendment.

The Applicant would like to point out that nowhere does Moriya teach the blocking position preventing operation of the blocked contactor. Furthermore, the Applicant has amended independent claim 1 (and claim 19) to better explain this blocking procedure. At least such a limitation is not taught or suggested by Moriya.

The Examiner asserts that Moriya does prevent operation of the other contactor and proceeds to refer to a blocking element in a blocking position preventing operation of the other contactor. The Examiner has failed to produce a proper citation from the Moriya reference to support these alleged statements. The Applicant submits that claim 1 and all subsequent dependent claims are allowable over Moriya for at least the reasons cited above and for at least the following reasons.

As explained in the Amendment of July 14, 2003, the contents of which are hereby incorporated herein, Figures 1a and 1d of Moriya (the portions relied upon by the Examiner) show a manual push-button switch assembly. The assembly includes two 3-stage push-button switches. An interlock plate 16 is pivotally provided such that whenever the push-button 20a or 20b is actuated, the plate is pivoted by being pushed by a moveable body 21a or 21b. Each of the moveable bodies includes a set of moveable contacts 18a – 18c, and on the bottom surface of the casing, one set of three fixed contacts 19a – 19c are provided so as to be opposed to the moveable contacts.

Figure 1a illustrates the push-button switch 20a and 20b, both not being depressed; Figure 1b illustrates the push-button switch 20a being depressed enough to make contact with the

first fixed contact 19a; Figure 1c illustrates the push-button switch 20a being depressed enough to make contact with both the contacts 19a and 19b; and Figure 1d illustrates the push-button switch being pressed further, to its third state, to maintain contact with each of contacts 19a – 19c, wherein the interlock plate 16 has moved upon the push-button switch 20a being depressed in its third state.

Although some type of plate 16 is pivotally provided in the switch of Moriya, such a plate is clearly not a blocking element as claimed. The blocking element as set forth in claim 1, is one which, when deflected from its intermediate position to a blocking position, “blocks operation of one of the two contactors thereby creating a blocked contactor,” wherein “the blocking position prevents operation of the blocked contactor.” In Figures 1a – 1d of Moriya, although the plate 16 does pivot, it clearly does not block operation of the contactor 20b. The plate 16 merely rocks back and forth between switches 20a and 20b, but clearly does not block operation of switch 20b. With regard to Figures 1b and 1c, the plate 16 does not even appear to move when switch 20a is in either its first or second position, and thus switch 20b could easily be simultaneously activated or operated in one of the first and second positions. Thus, operation of this second switch is clearly not blocked.

As the plate 16 merely rocks back and forth, one could easily activate the second switch 20b after the first switch has been activated and thus, its operation is not “blocked” as claimed. At best, when switch 20b is depressed, operation is permitted and the plate 16 can thus move switch 20b into another position. There is nothing in Figures 1a – 1d which blocks operation of one of the two switches. At least sequential operation is permitted at any time by merely pressing the other switch.

Thus, withdrawal of the rejection and allowance of claim 1 and all claims dependent

thereon is requested.

Claims 19 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Johnston et al. (U.S. Patent No. 4,539,860, hereinafter “Johnston”) This rejection is respectfully traversed.

The Applicant submits that claim 19 teaches a blocking means for blocking operation of one of the two contactors, thereby creating a blocked contactor, upon one of the contactors being operated. The blocking element provides for the operation of one contactor, while the other contactor is blocked from operation.

The push-button arrangement of Johnston does not describe the blocking arrangement of the Applicant’s invention as described in claim 19. The Examiner has relied upon interlock member 18 of Figure 1 as a blocking means for contactors 14 and 16. Contactors 14 and 16 are linear-operated push-buttons. These two push-buttons being regulated by the interlock member 18 does not teach the blocking means described by claim 19 of the Applicant’s invention.

Accordingly, for at least these reasons, Applicant submits that claim 19 and those claims dependent thereon are allowable over the prior art. Withdrawal of the rejection is respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-20 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By


Donald J. Daley, Reg. No. 34,313

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

DJD/KE:hnd